

9997. Misbranding of Lung Germine. U. S. * * * v. 8 Bottles and 12 Bottles * * * of Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15161, 15162. I. S. Nos. 1032-t, 1033-t. S. Nos. C-3114, C-3115.)

On or about July 20, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 20 bottles of Lung Germine, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Lung Germine Co., Jackson, Mich., on or about March 2 and May 25, 1921, respectively, and transported from the State of Michigan into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Lung Germine Contains 10% Alcohol * * *"; (bottle and carton) "Treatment For Relief Of Defective Nutrition and for Increasing Strength and General Health where Mucous Membranes are Susceptible to Lung Disease and Pulmonary Disorganization with Bronchial Irritation. (In Pre-tubercular Stages) * * *"; (carton) "* * * Your Lungs Are They Weak or Painful? Do your lungs ever bleed? Do you have night sweats? Are you short of breath? Have you pains in chest and sides? Do you spit yellow and black matter? Do you have pains under your shoulder blades? These Are Regarded Symptoms of Lung Trouble. Do Not Neglect These Symptoms. Keep Lung Germine in your home ready for immediate use at the first sign of Membranous Lung Disease or Bronchial Irritation. * * *"; (booklet) (in English) "* * * In recommending Lung Germine to the world of sufferers from incipient mucous membrane affection of the lungs, and bronchial irritation, we do so with the fullest confidence. * * * the remarkable results it has accomplished * * * excessive coughs for months * * * splendid results * * * weak membranes of the lungs and * * * nearly always suffering from a severe cough and weakness, * * * Lung Germine relieved the trouble. * * * before taking Lung Germine their lungs had been * * * affected, and that after using * * * their lungs were * * * found to be relieved. * * * recommended for lung and bronchial troubles. * * * We recommend Lung Germine for alleviating the cough, increasing the strength and general health in such conditions of cellular hyperplasia, affecting the mucous membranes of the air passages with the consequent risk of a multiplication of cells, filling up a greater or less number of the air vesicles of the lungs; generally those of the apex, and then, consumption, or malignant attacks of the lungs and bronchial tract results. * * * It is, therefore, of vital importance that sufferers take the treatment Lung Germine, which has a decided influence upon the general condition of the system, alleviating the cough and night sweats, aiding expectoration, increasing the strength and general health of the sufferer, and often retarding, if not arresting, the pulmonary disorganization. Lung Germine contains * * * only such ingredients as are of recognized therapeutic value for the treatment of the conditions as outlined. One of the ingredients * * * is recognized * * * as a nutrient of inestimable influence during phthisis, * * * it does more good than all other remedies of the Pharmacopoeia * * * combined. * * * has been proven beyond question to possess a remarkable beneficial influence; it has produced splendid results * * * relieving defective nutrition, with its consequent pallor, anemia, night sweats, excessive coughing and expectoration of germ-laden mucous from the affected parts * * * the coughing will become less and less and a general improvement may be confidently expected. * * * the long record of extraordinary instances of relief which Lung Germine has

produced should encourage every sufferer from incipient membranous lung disease * * * no such sufferer should feel in the least discouraged about his or her condition, if Lung Germine has yet to be tried. * * * If you are suffering from lung * * * trouble that has not passed the incipient stage * * * you are using the best medicine known for such afflictions when you use Lung Germine. * * * consumption * * * What To Do For Persistent Night Sweats Night sweats are a commonly recognized symptom of tuberculosis * * * Consumption * * * tuberculosis * * * tubercle bacilli * * * germs of tuberculosis * * *," (other languages) "Lung Germine for chronic lung * * * affections * * * Lung Germine for chronic lung or bronchial diseases. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sulphuric acid, alcohol, and water, with small amounts of material derived from cod liver oil, iron sulphate, and spices.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labels and printing on the bottles and cartons and in the accompanying booklets, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the said statements.

On September 17, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9998. Adulteration and misbranding of olive oil and salad oil. U. S. * * * v. 36 One-Gallon Cans of a Product Purporting to be Olive Oil and 44 One-Gallon Cans of Alleged Salad Oil. Default decrees of condemnation and forfeiture. Products delivered to the Salvation Army for consumption and not for sale. (F. & D. Nos. 15275, 15291. I. S. Nos. 6237-t, 15411-t. S. Nos. E-3491, E-3518.)

On July 28 and August 1, 1921, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 36 one-gallon cans of a product purporting to be olive oil and 44 one-gallon cans of alleged salad or vegetable oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about July 6 and June 17, 1921, respectively, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in the libels for the reason that cottonseed oil had been mixed and packed with, and substituted in part for, the said articles, and for the further reason that they were mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "* * * Olivolo * * * Olio per Insalata Come L'Olio D'Oliiva * * * A Pure Salad Oil Blended With Olive Oil * * * Il Olivolo 'Olio' Viene Estratto Da Vegetali Di Prima Qualita Con Metodi Perfezionati E'Iginici E'Perfettamente * * * E'Salutifero Per Eccellenza * * * La Marca * * * Olivolo * * * Il Olivolo 'Olii' * * *," together with the design and device consisting of a draped flag, in regard to the Olivolo brand oil, and the statement, to wit, "Blended with Pure Olive Oil * * * One Gallon,"